

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BARBARA FERNANDEZ, n/k/a Barbie Ozuna,
on her own behalf, and on behalf of her infant
children Z.F., E.F., and I.O.,

Case No. 1:21-cv-00680-OTW

AMENDED ORDER

Plaintiffs,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

ONA T. WANG, United States Magistrate Judge:

On April 29, 2025, this Court issued an Opinion and Order (ECF 136) approving the proposed infant compromise order in the above-captioned matter, granting attorneys' fees in the amount of \$118,589.63, and costs in the amount of \$4,231.10. On April 30, 2025, Plaintiffs' counsel, Poupia Jenny Marashi, Esq., submitted a letter (ECF 137) clarifying that the attorneys' fee calculation of \$120,000, representing one-third of the gross settlement amount of \$360,000, was consistent with the Legal Services Contingent Fee Agreement executed by Plaintiff Barbie Ozuna on April 1, 2019, and permissible under New York law, specifically NY CLS Rules Sup Ct § 1015.15(c)(2). The Court, having reviewed the letter and the attached Retainer Agreement, directed Plaintiffs' counsel to submit a proposed amended order setting out the modified attorneys' fees, costs, and settlement amounts to Zoe Ozuna, E.O., and I.O., with a chart to aid in the Court's review (ECF entry dated April 30, 2025).

Having considered the submissions, including the Retainer Agreement (ECF 137, Enclosure) and Plaintiffs' counsel's affirmation (ECF 132), the Court finds that the proposed attorneys' fee of \$120,000, calculated as one-third of the gross settlement amount of \$360,000, is reasonable and consistent with the terms of the Retainer Agreement and NY CLS Rules Sup Ct § 1015.15(c)(2), which permits contingency fees to be computed on the gross sum recovered when the attorney agrees to pay all costs and expenses of the action. The Court also finds that the proposed costs of \$4,231.10 are adequately documented and reasonable. Accordingly, the Court approves the modified settlement amounts as set forth below.

I. Modified Settlement Amounts

The total settlement amount remains \$360,000 (the "Total Settlement Cost"). The attorneys' fees, costs, and individual settlement awards are recalculated as follows:

- **Attorneys' Fees:** The Court approves attorneys' fees in the amount of \$120,000, representing one-third of the gross settlement amount of \$360,000, as agreed in the Retainer Agreement under "Option Number Two," which provides for the fee to be computed on the gross sum recovered before deducting expenses and disbursements, with counsel responsible for all costs. The \$120,000 is allocated as \$40,000 each from the shares of Zoe Ozuna, E.O., and I.O.
- **Costs:** The Court approves costs in the amount of \$4,231.10, as documented by Plaintiffs' counsel (ECF 132-1), to be deducted from the shares of Zoe Ozuna, E.O., and I.O., with each responsible for approximately \$1,410.366666... ($\$4,231.10 \div 3$).
- **Settlement Awards:**
 - **Zoe Ozuna, E.O., and I.O.:** Each is allocated a gross share of \$110,000, reduced by \$40,000 in attorneys' fees and approximately \$1,410.366666... in costs, resulting in a net award of approximately \$68,589.633333... per plaintiff. To ensure the total settlement cost equals exactly \$360,000, the net awards are rounded as follows: \$68,589.64 each for Zoe Ozuna and E.O., and \$68,589.62 for I.O., calculated as follows:
 - Gross Share per Plaintiff: \$110,000
 - Less Attorneys' Fees: \$40,000
 - Less Costs: \$1,410.366666... ($\$4,231.10 \div 3$)
 - Net Award (Unrounded): \$68,589.633333...
 - Rounded Awards: \$68,589.64 (Zoe Ozuna), \$68,589.64 (E.O.), \$68,589.62 (I.O.)
 - Total for Zoe, E.O., I.O.: $\$137,179.28 + \$68,589.62 = \$205,768.90$
 - Total Plaintiff Awards: $\$30,000$ (Barbie Ozuna) + $\$205,768.90$ (Zoe, E.O., I.O.) = $\$235,768.90$

The revised settlement amounts are as follows:

Category	Amount
Total Settlement Cost	\$360,000.00
Attorneys' Fees to Marashi	\$120,000.00
Costs to Marashi	\$4,231.10
Settlement Award to Barbie Ozuna	\$30,000.00
Settlement Award to Zoe Ozuna	\$68,589.64
Settlement Award to E.O.	\$68,589.64

Settlement Award to I.O.	\$68,589.62
Total Settlement Award	\$235,768.90

Based on its review, the Court finds the proposed settlement of the claims by Plaintiffs, in the amount of \$360,000, fair, reasonable, and proper, and approves the amended infant compromise order. In addition, the Court GRANTS Marashi's request for attorneys' fees in the amount of \$120,000.00 and costs in the amount of \$4,231.10.

SO ORDERED.

Dated: May 5, 2025
New York, New York



Ona T. Wang
United States Magistrate
Judge